IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS

In Re Patent Application of: **CLARKE ET AL.**	Examiner: **D. VAUTROT**
Serial No. **10/787,515**	Art Unit: **2167**
Filing Date: **FEBRUARY 26, 2004**	Attorney Docket No. **ID-910 (80233)**
For: **COMMUNICATIONS SYSTEM HAVING DISTRIBUTED DATABASE ARCHITECTURE AND RELATED METHODS**	

APPELLANTS' APPEAL BRIEF

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellants' Appeal Brief together with the requisite $510.00 large entity fee for filing a brief. If any additional extension and/or fee is required, authorization is given to charge Deposit Account No. **01-0484**.

(1) Real Party in Interest

The real party in interest is TeamOn Systems, Inc., assignee of the present application, as recorded at reel 015033, frame 0291.

(2) Related Appeals and Interferences

At present there are no related appeals, judicial proceedings, or interferences.

(3) Status of the Claims

Claims 1-5, 7-11, 13-14, 16-19, 21 are pending in the present application, stand rejected, and are appealed herein. Claims 6, 12, 15, and 20 have been canceled.

(4) Status of the Amendments

All amendments have been entered and there are no further pending amendments. A copy of the claims involved in this appeal is attached hereto as Appendix A.

(5) Summary of the Claimed Subject Matter

Independent Claim 1, for example, is directed to a communications system **10** comprising a plurality of account databases **11a-11n** each for storing information associated with different accounts, and a central database **12** for storing location information associating each account with a respective account database, and also for storing shared system setup information. The system **10** also includes at least one communications device **13** for accessing account information, and an interface device **15**. The interface device **15** is for receiving an account access request from the at least one communications device **13** for a desired account, for retrieving account location

information from the central database **12** for the desired account, for interfacing the at least one communications device with the respective account database **11a-11n** associated with the desired account based thereon, and for caching the account location information and using the cached account location information for subsequently interfacing the at least one communications device **13** with the respective account database. The interface device **15** also retrieves and caches the shared system setup information for use in interfacing the at least one communications device **13** with the respective account database **11a-11n**. (See Specification page 5, line 17 through page 8, line 12; and Figure 1, reproduced below).

Independent Claim 9 is directed to an interface device **15'** for interfacing at least one communications device **13', 14'** with a plurality of account databases **11a'-11n'** each for storing information associated with different accounts. The interface device **15'** may comprise a control module **23'** for receiving an account access request from the at least one communications device **13', 14'** for a desired account, for retrieving account location information associating the desired account with a respective account database **11a'-11n'** from a central database **12'**, and for interfacing the at least one communications device with the respective account database associated with the desired account based thereon. The interface device **15'** may also comprise a caching module **24'** coupled to the control module **23'** for caching the account location information. The control module

23' uses the cached account location information for subsequently interfacing the at least one communications device **13'**, **14'** with the respective account database **11a-11n**. The central database **12'** further stores shared system setup information, and the control module **23'** also retrieves the shared system setup information for use in interfacing the at least one communications device **13'**, **14'** with the respective account database **11a'-11n'**. The caching module **24'** caches the retrieved shared system setup information. (See Specification page 8, line 13 through page 10, line 21; and Figure 2, reproduced below).

Independent Claim 14 is directed to a method for interfacing at least one communications device **13** with a plurality of account databases **11a-11n** each for storing information associated with different accounts. The method may include receiving (Block **32**) an account access request from the at least one communications device **13** for a desired account, retrieving (Block **36**) account location information associating the desired account with a respective account database **11a-11n** and shared system setup information from a central database **12**, and interfacing (Block **40**) the at least one communications device with the respective account database associated with the desired account based upon the retrieved account location information and the retrieved shared system setup information. The method may also include caching (Block **38**) the account location information and the retrieved shared system setup information, and using the cached account location information and the retrieved shared

system setup information for subsequently interfacing the at least one communications device **13** with the respective account database **11a-11n**. (See Specification page 10, line 22 through page 11, line 13; and Figure 3, reproduced below).

Independent Claim 17 is directed to a computer-readable medium having computer-executable instructions for interfacing at least one communications device **13′, 14′** with a plurality of account databases **11a′-11n′** each for storing information associated with different accounts. The computer-readable medium may comprise a control module **23′** for receiving an account access request from the at least one communications device **13′, 14′** for a desired account, for retrieving account location information associating the desired account with a respective account database **11a′-11n′** from a central database **12′**, and for interfacing the at least one communications device with the respective account database associated with the desired account based thereon. The computer-readable medium may comprise a caching module **24′** for caching the account location information. The control module **23′** may use the cached account location information for subsequently interfacing the at least one communications device **13′, 14′** with the respective account database **11a′-11n′**. The central database **12′** further stores shared system setup information. The control module **23′** also retrieves the shared system setup information for use in interfacing the at least one communications device **13′, 14′** with the respective account database **11a′-11n′**, and the caching module

24' caches the retrieved shared system setup information. (See Specification page 11, lines 14-33; and Figure 2, reproduced below).

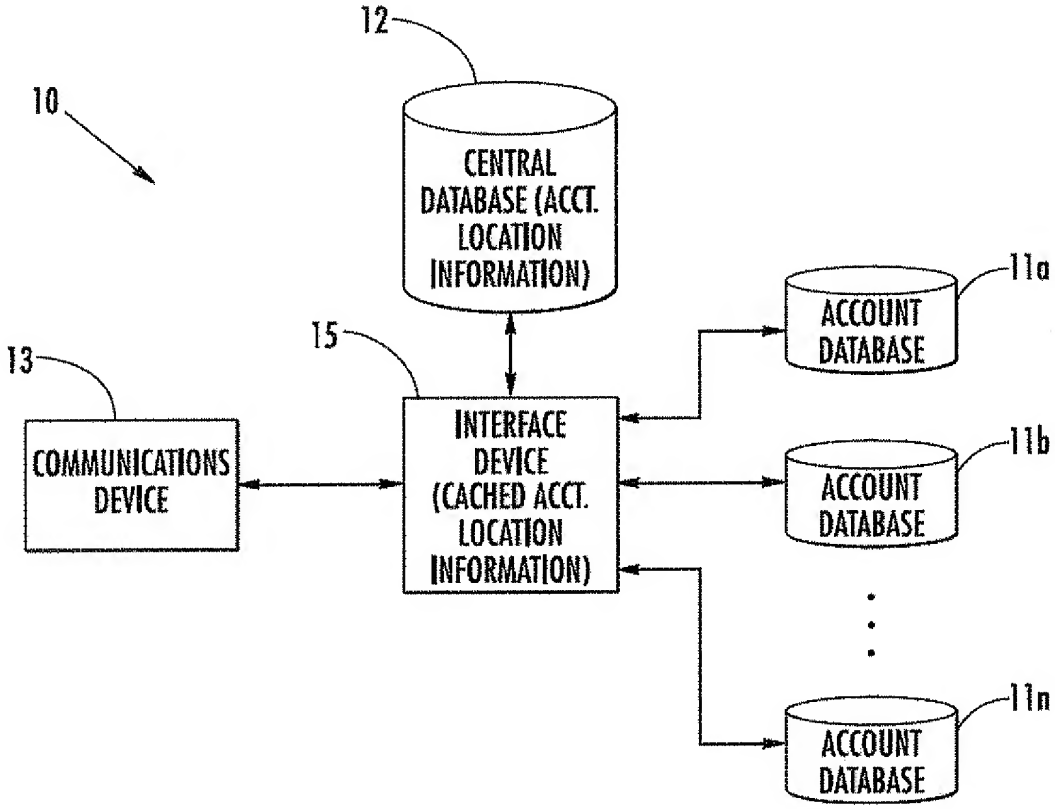


Figure 1 of the Present Application

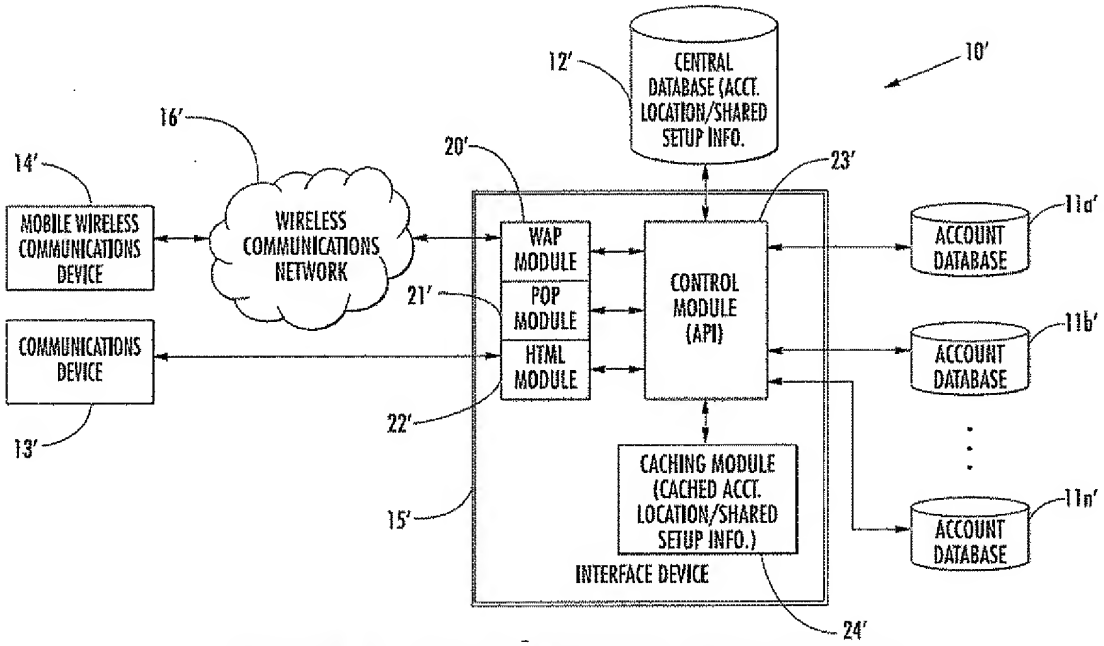


Figure 2 of the Present Application

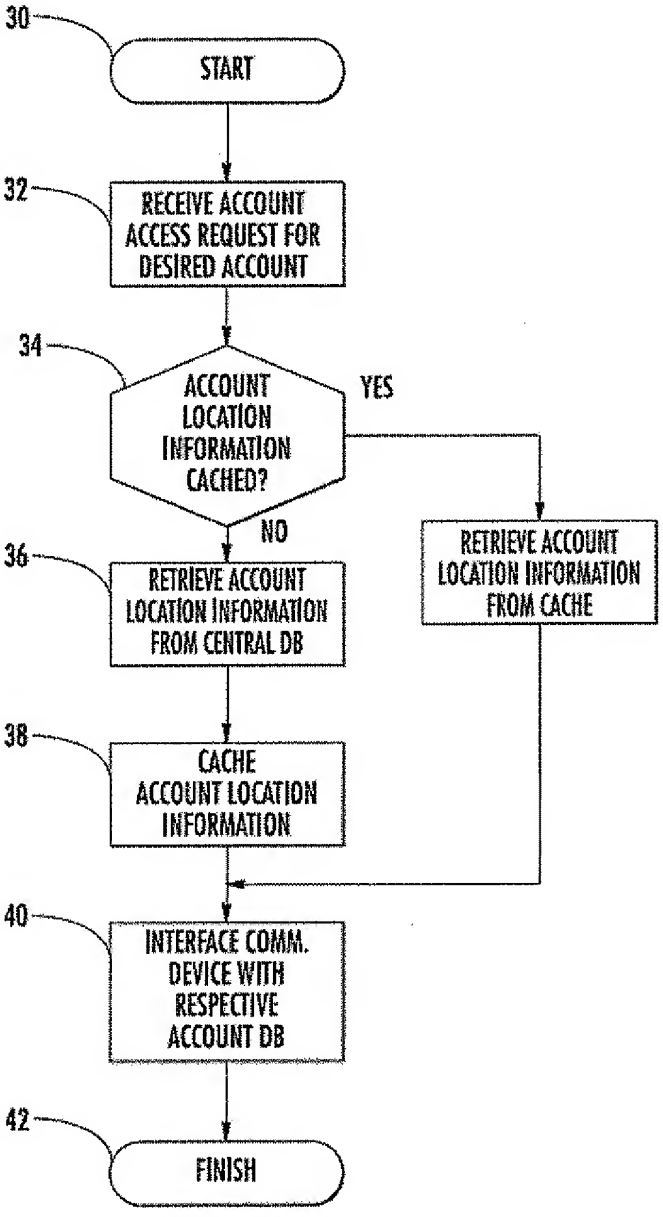


Figure 3 of the Present Application

(6) Grounds of Rejection to be Reviewed On Appeal

The Examiner rejected Claims 1-3, 9-10, 14, and 17-18 under 35 U.S.C. §102(b) over U.S. Patent No. 5,978,577 to Rierden et al.

The Examiner rejected Claims 4-5, 7-8, 11, 13, 16, 19, and 21 under 35 U.S.C. §103(a) over the Rierden et al. patent in view of U.S. Patent No. 6,871,215 to Smith et al.

(7) Argument

As will be described in greater detail below, Appellants respectfully submit that the Examiner has mischaracterized the Rierden et al. patent and request that the Board of Patent Appeals and Interferences reverse the Examiner and withdraw the rejections.

A. The Rejection Over the Rierden et al. Patent

The Examiner rejected independent Claims 1, 9, 14, and 17 over Rierden et al. Rierden et al. discloses a subscriber management system that includes at least one Data Directory Server (DDS) located between one or more transaction generators and one or more data servers. The DDS routes transactions and provides data location functions. Based upon internal rules within the DDS and the particular transaction type, the DDS routes transactions to the appropriate servers. Transactions are classified according to where they may be executed. Specifically,

transactions may be classified as SPECIFIC, ANY, or ALL. (Col. 4, lines 11-28).

The system of Rierden et al. further comprises an X-REF server for storing the location information, global tables, so the DDS accesses the correct data server based upon the data needed by the transaction request. (Col. 8, lines 31-39). Rierden et al. discloses that the DDS may either access the global tables on the X-REF server on a per transaction basis or at start-up, by loading the entire global table for full and complete operation. (Col. 8, lines 40-50; Col. 9, lines 8-13).

In contrast, independent Claims 1, 9, 14, and 17 recite receiving an account access request from the communications device for a desired account, retrieving account location information from the central database for the desired account, interfacing the communications device with the respective account database associated with the desired account based thereon, and caching the account location information and using the cached account location information for subsequently interfacing the communication device with the respective account database. In other words, the claimed invention caches the retrieved account location information after it is requested by the communications device, i.e. caching only what was needed in the past. Differently, the system of Rierden et al. loads the entire global table (irrespective of the previous transactions, since none have occurred at startup) from the X-REF server to the DDS at startup.

Alternatively, in a separate disclosed embodiment, Rierden et al. discloses a per transaction approach of accessing the global table, which incurs the bottlenecks and performance degradation discussed in the present application at paragraphs 23-24. Appellants submit that for Rierden et al. to hypothetically meet the claimed feature, the DDS would need to access the X-REF server based upon a transaction request, complete the transaction request with the client, and subsequently cache the accessed portion of the global table for subsequent use in other future transactions. Rierden et al. does not disclose this function; therefore, Rierden et al. does not disclose the claimed invention, and none of the other prior art references of record make up for these critical deficiencies of Rierden et al.

The Examiner contended "that upon a transaction generated from a transaction generator (or client), the DDS obtains and loads in memory (i.e. caches) a global table identifying accessible servers and therefore caches location information to subsequently select the appropriate data servers(s) for processing the transaction." (Emphasis added).

Appellants submit that the Examiner has mischaracterized Rierden et al. More specifically, and as discussed above, Rierden et al. discloses the second embodiment where the DDS loads the needed portion of the global table on a per transaction basis. (Col. 9, lines). It appears that the Examiner contended that this per transaction function discloses

the claimed invention. In other words, the Examiner is contending that the actual completion of the subject transaction after accessing the global table for that transaction meets the claimed feature of using the cached account location information for subsequently interfacing the communications device with the respective account database. Differently, the interface driver of the claimed invention receives an account access request from the communications device for a desired account, retrieves account location information from the central database for the desired account, interfaces (completes pending transaction) the communications device with the respective account database associated with the desired account based thereon, and caches the account location information and uses the cached account location information for subsequently interfacing the communications device with the respective account database (subsequent additional transactions after the subject transaction).

Accordingly, independent Claims 1, 9, 14, and 17 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

B. The Rejection Over the Rierden et al. Patent In View of the Smith et al. Patent

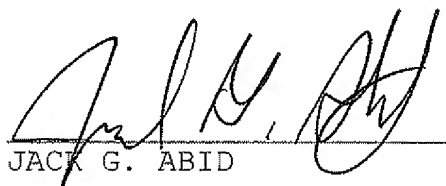
The Examiner rejected dependent Claims 4-5, 7-8, 11, 13, 16, 19, and 21 over Rierden et al. in view of Smith et al.

Appellants submit that the patentability of independent Claims 1, 9, 14, and 17 is established by the arguments above. Accordingly, their respective dependent claims, which recite yet further distinguishing features and include Claims 4-5, 7-8, 11, 13, 16, 19, and 21, are also patentable over the prior art and require no further discussion herein.

CONCLUSIONS

In view of the foregoing arguments, it is submitted that all of the claims are patentable over the prior art. Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the earlier unfavorable decision by the Examiner.

Respectfully submitted,



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APPENDIX A - CLAIMS ON APPEAL FOR U.S. PATENT APPLICATION SERIAL NO. 10/787,515

1. A communications system comprising:

a plurality of account databases each for storing information associated with different accounts;

a central database for storing location information associating each account with a respective account database, and also for storing shared system setup information;

at least one communications device for accessing account information; and

an interface device for

receiving an account access request from said at least one communications device for a desired account,

retrieving account location information from said central database for the desired account, and

interfacing said at least one communications device with said respective account database associated with the desired account based thereon, and

caching the account location information and using the cached account location information for subsequently interfacing said at least one communications device with said respective account database;

said interface device also retrieving and caching the shared system setup information for use in interfacing said at

least one communications device with said respective account database.

2. The communications system of Claim 1 wherein said interface device comprises a caching module for caching the account location information.

3. The communications system of Claim 1 wherein said at least one communications device has an operating protocol associated therewith, and wherein said interface device comprises at least one protocol interface module for communicating with said at least one communications device using the operating protocol.

4. The communications system of Claim 3 wherein said at least one protocol interface module comprises at least one of a wireless access protocol (WAP) module, a post office protocol (POP) module, and a hypertext markup language (HTML) module.

5. The communications system of Claim 3 wherein said interface device further comprises a control module for interfacing said at least one protocol interface module with said central and account databases.

7. The communications system of Claim 1 wherein said at least one communications device comprises at least one mobile wireless communications device.

8. The communications system of Claim 1 wherein the accounts comprise electronic mail (e-mail) accounts.

9. An interface device for interfacing at least one communications device with a plurality of account databases each for storing information associated with different accounts, the interface device comprising:

a control module for receiving an account access request from the at least one communications device for a desired account, retrieving account location information associating the desired account with a respective account database from a central database, and interfacing the at least one communications device with the respective account database associated with the desired account based thereon; and

a caching module coupled to said control module for caching the account location information, said control module using the cached account location information for subsequently interfacing the at least one communications device with the respective account database;

the central database further storing shared system setup information, and said control module also retrieving the shared system setup information for use in interfacing the at

least one communications device with the respective account database, and said caching module caching the retrieved shared system setup information.

10. The interface device of Claim 9 wherein the at least one communications device has an operating protocol associated therewith; and further comprising at least one protocol interface module using the operating protocol for interfacing said control module with the at least one communications device.

11. The interface device of Claim 10 wherein said at least one protocol interface module comprises at least one of a wireless access protocol (WAP) module, a post office protocol (POP) module, and a hypertext markup language (HTML) module.

13. The interface device of Claim 9 wherein the accounts comprise electronic mail (e-mail) accounts.

14. A method for interfacing at least one communications device with a plurality of account databases each for storing information associated with different accounts, the method comprising:

receiving an account access request from the at least one communications device for a desired account;

retrieving account location information associating the desired account with a respective account database and shared system setup information from a central database;

interfacing the at least one communications device with the respective account database associated with the desired account based upon the retrieved account location information and the retrieved shared system setup information; and

caching the account location information and the retrieved shared system setup information and using the cached account location information and the retrieved shared system setup information for subsequently interfacing the at least one communications device with the respective account database.

16. The method of Claim 14 wherein the accounts comprise electronic mail (e-mail) accounts.

17. A computer-readable medium having computer-executable instructions for interfacing at least one communications device with a plurality of account databases each for storing information associated with different accounts, the computer-readable medium comprising:

a control module for receiving an account access request from the at least one communications device for a desired account, retrieving account location information associating the desired account with a respective account database from a central database, and interfacing the at least one communications device

with the respective account database associated with the desired account based thereon; and

a caching module for caching the account location information, said control module using the cached account location information for subsequently interfacing the at least one communications device with the respective account database;

the central database further storing shared system setup information, said control module also retrieving the shared system setup information for use in interfacing the at least one communications device with the respective account database, and said caching module caching the retrieved shared system setup information.

18. The computer-readable medium of Claim 17 wherein the at least one communications device has an operating protocol associated therewith; and further comprising at least one protocol interface module using the operating protocol for interfacing said control module with the at least one communications device.

19. The computer-readable medium of Claim 18 wherein said at least one protocol interface module comprises at least one of a wireless access protocol (WAP) module, a post office protocol (POP) module, and a hypertext markup language (HTML) module.

21. The computer-readable medium of Claim 17 wherein the accounts comprise electronic mail (e-mail) accounts.

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APPENDIX B - EVIDENCE APPENDIX PURSUANT TO 37 C.F.R. § 41.37(c)(1)(ix)

None.

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APPENDIX C – RELATED PROCEEDINGS APPENDIX PURSUANT TO 37 C.F.R. § 41.37(c)(1)(x)

None.